

ORDINANCE NO. 2480

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, AMENDING THE LAND DEVELOPMENT CODE OF GILBERT, ARIZONA, CHAPTER I ZONING REGULATIONS, DIVISION 2 LAND USE DESIGNATIONS, ARTICLE 2.1 SINGLE FAMILY RESIDENTIAL DISTRICTS, BY AMENDING SECTION 2.103 LAND USE REGULATIONS, TABLE 2.103 LAND USE REGULATIONS – SINGLE-FAMILY ZONING DISTRICTS AND SECTION 2.107 ADDITIONAL USE REGULATION, SUBSECTION 2.107.A ANIMALS RELATED TO KEEPING OF FOWL IN SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Gilbert, Arizona, as follows:

Section I. In General.

The Land Development Code of Gilbert, Arizona, Chapter I Zoning Regulations, Division 2 Land Use Designations, Article 2.1 Single Family Residential Districts, Section 2.103 Land Use Regulations, Table 2.103 Land Use Regulations – Single-Family Zoning Districts, is hereby amended to read as follows (additions in **BOLD ALL CAPS**; deletions in ~~strikeout~~):

2.103 Land Use Regulations

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Table 2.103: Land Use Regulations – Single Family Residential Districts

<i>Use Classification</i>	<i>SF-43</i>	<i>SF-35</i>	<i>SF-15</i>	<i>SF-10</i>	<i>SF-8</i>	<i>SF-7</i>	<i>SF-6</i>	<i>SF-D</i>	<i>SF-A</i>	<i>Additional Regulations</i>
Animal Raising, Non- Commercial	P	P	P	P	P	L7 L8	L7 L8	L7 L8	--	See Section 2.107

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Limitations

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L7 – ONLY PERMITTED IN THIS ZONING DISTRICT WHERE THE LOT SIZE IS AT LEAST 6,000 SQUARE FEET.

L8 – PEACOCK NOT PERMITTED IN THIS ZONING DISTRICT.

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The Land Development Code of Gilbert, Arizona, Chapter I Zoning Regulations, Division 2 Land Use Designations, Article 2.1 Single Family Residential Districts, Section 2.107 Additional Use Regulations is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

2.107 Additional Use Regulations

A. ***Animals.*** In addition to the regulations set forth in chapter 6 of the Municipal Code and Section 2.103: Land Use Regulations, the following regulations shall apply:

1. ***Rodents and Fowl:***

- a. On each lot ~~up to 20,000 net~~ THAT IS AT LEAST 6,000 square feet ~~of~~ AND LESS THAN 8,000 SQUARE FEET IN area, any combination of ~~up to 25~~ rodents and fowl NOT TO EXCEED 5 TOTAL ANIMALS ~~are~~ IS permitted. ~~For each additional 20,000 square feet of lot area, an additional 25 rodents or fowl are permitted.~~
- b. ON EACH LOT THAT IS AT LEAST 8,000 SQUARE FEET AND LESS THAN 10,000 SQUARE FEET IN AREA, ANY COMBINATION OF UP TO 10 RODENTS AND FOWL IS PERMITTED.
- c. ON EACH LOT THAT IS AT LEAST 10,000 SQUARE FEET AND LESS THAN 20,000 SQUARE FEET IN AREA, ANY COMBINATION OF UP TO 25 RODENTS AND FOWL IS PERMITTED. FOR EACH ADDITIONAL 10,000 SQUARE FEET OF LOT AREA, AN ADDITIONAL 12 RODENTS OR FOWL ARE PERMITTED.
- bd. Aviaries shall be located ~~at least 100 feet from any property line~~ WITHIN THE BUILDING ENVELOPE OR THE REAR ONE-HALF OF THE LOT. IF LOCATED WITHIN THE REAR ONE-HALF OF THE LOT, THE AVIARY SHALL BE A MINIMUM OF 5 FEET FROM ANY PROPERTY LINE.
- e. ONE (1) ROOSTER OVER FOUR MONTHS IN AGE SHALL BE PERMITTED FOR EACH 20,000 SQUARE FEET OF LOT AREA WITH THE EXCEPTION OF THOSE KEPT FOR “CROP AND ANIMAL RAISING, COMMERCIAL”, PROVIDED THAT

THE ROOSTER IS CONTROLLED OR CONTAINED IN SUCH
A MANNER AS TO COMPLY WITH MUNICIPAL CODE
CHAPTER 6, SECTION 6.2 (NOISY ANIMALS).

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Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section IV. Providing for Penalties

Any person found responsible for violating the provisions set forth in this ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 5.1205 and 5.1206 of the Town of Gilbert Land Development Code. Each day a violation continues, or the failure to perform any act or duty required by this zoning ordinance, the Zoning Code or by the Town of Gilbert Municipal Court continues, shall constitute a separate civil offense.

PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Arizona, this ____ day of _____, 2014, by the following vote:

AYES: _____

NAYES: _____ ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

APPROVED this ____ day of _____, 2014.

John W. Lewis, Mayor

ATTEST:

Ordinance No. _____

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Catherine A. Templeton, Town Clerk

APPROVED AS TO FORM:

L. Michael Hamblin, Town Attorney

I, CATHERINE A. TEMPLETON, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. _____ ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT ON THE ____ DAY OF _____, 2014, WAS POSTED IN FOUR PLACES ON THE ____ DAY OF _____, 2014.

Catherine A. Templeton, Town Clerk